

Calendar No. 204

108TH CONGRESS
1ST SESSION

S. 677

[Report No. 108–96]

To revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2003

Mr. CAMPBELL (for himself and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 11, 2003

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Black Canyon of the
3 Gunnison National Park and Gunnison Gorge National
4 Conservation Area Boundary Revision Act of 2003”.

5 **SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL**
6 **PARK BOUNDARY REVISION.**

7 (a) ESTABLISHMENT.—Section 4(a) of the Black
8 Canyon of the Gunnison National Park and Gunnison
9 Gorge National Conservation Area Act of 1999 (16 U.S.C.
10 ~~410fff-2(a)~~) is amended—

11 (1) by striking “There is hereby established”
12 and inserting the following:

13 “(1) IN GENERAL.—There is established”; and

14 (2) by adding at the end the following:

15 “(2) BOUNDARY REVISION.—The boundary of
16 the Park is revised to include the addition of not
17 more than 2,725 acres, as depicted on the map enti-
18 tled ‘Black Canyon of the Gunnison National Park
19 and Gunnison Gorge NCA Boundary Modifications’
20 and dated January 21, 2003.”.

21 (b) ADMINISTRATION.—Section 4(b) of the Black
22 Canyon of the Gunnison National Park and Gunnison
23 Gorge National Conservation Area Act of 1999 (16 U.S.C.
24 ~~410fff-2(b)~~) is amended—

25 (1) by striking “Upon” and inserting the fol-
26 lowing:

1 “(1) LAND TRANSFER.—

2 “(A) IN GENERAL.—On”; and

3 (2) by striking “The Secretary shall” and in-
4 serting the following:

5 “(B) ADDITIONAL LAND.—On the date of
6 enactment of the Black Canyon of the Gunnison
7 National Park and Gunnison Gorge Na-
8 tional Conservation Area Boundary Revision
9 Act of 2003, the Secretary shall transfer the
10 land under the jurisdiction of the Bureau of
11 Land Management identified as ‘Tract C’ on
12 the map described in subsection (a)(2) to the
13 administrative jurisdiction of the National Park
14 Service for inclusion in the Park.

15 “(2) AUTHORITY.—The Secretary shall”.

16 **SEC. 3. GRAZING PRIVILEGES AT BLACK CANYON OF THE**
17 **GUNNISON NATIONAL PARK.**

18 Section 4(e) of the Black Canyon of the Gunnison
19 National Park and Gunnison Gorge National Conservation
20 Area Act of 1999 (16 U.S.C. 410fff–2(e)) is amended—

21 (1) in paragraph (1)—

22 (A) by redesignating subparagraphs (B)
23 and (C) as subparagraphs (C) and (D), respec-
24 tively; and

1 (B) by inserting after subparagraph (A)
2 the following:

3 “(B) TRANSFER.—If land authorized for
4 grazing under subparagraph (A) is exchanged
5 for private land under this Act, the Secretary
6 shall transfer any grazing privileges to the pri-
7 vate land acquired in the exchange in accord-
8 ance with this section.”; and
9 (2) in paragraph (3)—

10 (A) in subparagraph (A), by striking
11 “and” at the end;

12 (B) by redesignating subparagraph (B) as
13 subparagraph (D);

14 (C) by inserting after subparagraph (A)
15 the following:

16 “(B) with respect to the permit or lease
17 issued to LeValley Ranch Ltd., a partnership,
18 for the lifetime of the 2 limited partners as of
19 October 21, 1999;

20 “(C) with respect to the permit or lease
21 issued to Sanburg Herefords, L.L.P., a partner-
22 ship, for the lifetime of the 2 general partners
23 as of October 21, 1999; and”; and

24 (D) in subparagraph (D) (as redesignated
25 by subparagraph (B))—

- 1 (i) by striking “partnership, corpora-
 2 tion, or” in each place it appears and in-
 3 serting “corporation or”; and
 4 (ii) by striking “subparagraph (A)”
 5 and inserting “subparagraphs (A), (B), or
 6 (C)”.

7 **SEC. 4. ACQUISITION OF LAND.**

8 (a) **AUTHORITY TO ACQUIRE LAND.**—Section 5(a)(1)
 9 of the Black Canyon of the Gunnison National Park and
 10 Gunnison Gorge National Conservation Area Act of 1999
 11 (16 U.S.C. 410fff–3(a)(1)) is amended by inserting “or
 12 the map described in section 4(a)(2)” after “the Map”.

13 (b) **METHOD OF ACQUISITION.**—

14 (1) **IN GENERAL.**—Land or interest in land ac-
 15 quired under the amendments made by this Act shall
 16 be made in accordance with section 5(a)(2)(A) of the
 17 Black Canyon of the Gunnison National Park and
 18 Gunnison Gorge National Conservation Area Act of
 19 1999 (16 U.S.C. 410fff–3(a)(2)(A)).

20 (2) **CONSENT.**—No land or interest in land may
 21 be acquired without the consent of the landowner.

1 **SEC. 5. GUNNISON GORGE NATIONAL CONSERVATION AREA**
 2 **BOUNDARY REVISION.**

3 Section 7(a) of the Black Canyon of the Gunnison
 4 National Park and Gunnison Gorge National Conservation
 5 Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

6 (1) by striking “(a) IN GENERAL.—There is es-
 7 tablished” and inserting the following:

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—There is established”; and
 10 (2) by adding at the end the following:

11 “(2) BOUNDARY REVISION.—The boundary of
 12 the Conservation Area is revised to include the addi-
 13 tion of not more than 7,100 acres, as depicted on
 14 the map entitled ‘Black Canyon of the Gunnison Na-
 15 tional Park and Gunnison Gorge NCA Boundary
 16 Modifications’ and dated January 21, 2003.”.

17 **SEC. 6. ACCESS TO WATER DELIVERY FACILITIES.**

18 The Commissioner of Reclamation shall retain ad-
 19 ministrative jurisdiction over, and access to, land, facili-
 20 ties, and roads of the Bureau of Reclamation in the East
 21 Portal area and the Crystal Dam area, as depicted on the
 22 map identified in section 4(a)(2) of the Black Canyon of
 23 the Gunnison National Park and Gunnison Gorge Na-
 24 tional Conservation Area Act of 1999 (as added by section
 25 2(a)(2)) for the maintenance, repair, construction, re-
 26 placement, and operation of any facilities relating to the

1 delivery of water under the jurisdiction of the Bureau to
 2 users of the water (as of the date of enactment of this
 3 Act).

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Black Canyon of the*
 6 *Gunnison Boundary Revision Act of 2003”.*

7 **SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK**
 8 **BOUNDARY REVISION.**

9 (a) *BOUNDARY REVISION.*—Section 4(a) of the *Black*
 10 *Canyon of the Gunnison National Park and Gunnison*
 11 *Gorge National Conservation Area Act of 1999 (16 U.S.C.*
 12 *410fff–2(a))* is amended—

13 (1) by striking “There” and inserting “(1)

14 There”; and

15 (2) by adding at the end the following:

16 “(2) The boundary of the Park is revised to in-

17 clude the addition of approximately 2,530 acres, as

18 generally depicted on the map entitled ‘Black Canyon

19 of the Gunnison National Park and Gunnison Gorge

20 NCA Boundary Modifications’ and dated April 2,

21 2003.”.

22 (b) *TRANSFER OF ADMINISTRATIVE JURISDICTION.*—

23 *On the date of enactment of this Act, the Secretary shall*

24 *transfer the land under the jurisdiction of the Bureau of*

25 *Land Management identified as “Tract C” on the map de-*

1 scribed in subsection (a)(2) to the administrative jurisdic-
 2 tion of the National Park Service for inclusion in the Black
 3 Canyon of the Gunnison National Park.

4 (c) CONFORMING AMENDMENT.—Section 5(a)(1) of the
 5 Black Canyon of the Gunnison National Park and Gunni-
 6 son Gorge National Conservation Area Act of 1999 (16
 7 U.S.C. 410fff–3(a)(1)) is amended by striking “Map” and
 8 inserting “Map or the map described in section 4(a)(2)”.

9 **SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA**

10 **BOUNDARY REVISION.**

11 Section 7(a) of the Black Canyon of the Gunnison Na-
 12 tional Park and Gunnison Gorge National Conservation
 13 Area Act of 1999 (16 U.S.C. 410fff–5(a)) is amended—

14 (1) by striking “There” and inserting “(1)
 15 There”; and

16 (2) by adding at the end the following:

17 “(2) The boundary of the Conservation Area is
 18 revised to include the addition of approximately
 19 7,100 acres, as generally depicted on the map entitled
 20 ‘Black Canyon of the Gunnison National Park and
 21 Gunnison Gorge NCA Boundary Modifications’, and
 22 dated April 2, 2003.”.

23 **SEC. 4. GRAZING PRIVILEGES.**

24 (a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the
 25 Black Canyon of the Gunnison National Park and Gunni-

1 son Gorge National Area Act of 1999 (16 U.S.C. 410fff–
 2 2(e)(1)) is amended by adding at the end the following:

3 “(D) If land within the Park on which the
 4 grazing of livestock is authorized under permits
 5 or leases under subparagraph (A) is exchanged
 6 for private land under section 5(a), the Secretary
 7 shall transfer any grazing privileges to the land
 8 acquired in the exchange.”.

9 (b) *PRIVILEGES OF CERTAIN PARTNERSHIPS.*—Sec-
 10 tion 4(e)(3) of the Black Canyon of the Gunnison National
 11 Park and Gunnison Gorge National Area Act of 1999 (16
 12 U.S.C. 410fff–2(e)(3)) is amended—

13 (1) by striking “and” at the end of subpara-
 14 graph (A);

15 (2) by redesignating subparagraph (B) as sub-
 16 paragraph (D);

17 (3) by inserting after subparagraph (A) the fol-
 18 lowing:

19 “(B) with respect to the permit or lease
 20 issued to LeValley Ranch Ltd., for the lifetime of
 21 the last surviving limited partner as of October
 22 21, 1999;

23 “(C) with respect to the permit or lease
 24 issued to Sanburg Herefords, L.L.P., for the life-

1 *time of the last surviving general partner as of*
 2 *October 21, 1999; and”;* and

3 *(4) in subparagraph (D) (as redesignated by*
 4 *paragraph (2))—*

5 *(A) by striking “partnership, corporation,*
 6 *or” each place it appears and inserting “cor-*
 7 *poration or”;* and

8 *(B) by striking “subparagraph (A)” and in-*
 9 *serting “subparagraphs (A), (B), or (C)”.*

10 **SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.**

11 *The Commissioner of Reclamation shall retain admin-*
 12 *istrative jurisdiction over the Crystal Dam Access Road and*
 13 *land, facilities, and roads of the Bureau of Reclamation in*
 14 *the East Portal area, including the Gunnison Tunnel, and*
 15 *the Crystal Dam area, as depicted on the map entitled*
 16 *“Black Canyon of the Gunnison National Park and Gunni-*
 17 *son Gorge NCA Boundary Modifications”, and dated April*
 18 *2, 2003, for the maintenance, repair, construction, replace-*
 19 *ment, and operation of any facilities relating to the delivery*
 20 *of water and power under the jurisdiction of the Bureau*
 21 *of Reclamation.*

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